

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

MICHAEL T. DREHER,

Plaintiff,

v.

Case No. 3:11-cv-00624-JAG

EXPERIAN INFORMATION SOLUTIONS, INC.,

Defendant.

**ORDER**

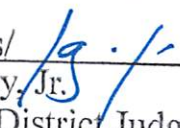
THIS MATTER comes before the Court on the plaintiff's motion to quash the defendant's third-party subpoena. (Dkt. no. 93.) On July 8, 2013, the defendant issued a subpoena *duces tecum* to plaintiff's employer in Lynchburg, Virginia. Because plaintiff's employer is located in Lynchburg, the subpoena was issued from the United States District Court for the Western District of Virginia. Plaintiff filed his motion to quash in this Court, but only the "issuing court" has the authority to quash or modify a subpoena issued pursuant to Rule 45. *See* Fed. R. Civ. P. 45(c)(3); *see also id.* 45(e) (only the "issuing court" may exercise its contempt power against a person who fails to obey a subpoena).

Simply put, the issuing court, and not the court where the underlying action is pending, has the authority to consider motions to quash or modify subpoenas under Rule 45 of the Federal Rules of Civil Procedure. Accordingly, plaintiff's motion to quash is DENIED.

It is so ORDERED.

The Clerk is directed to send a copy of this Order to all counsel of record.

Date: August 8, 2013  
Richmond, VA

/s/   
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John A. Gibney, Jr.  
United States District Judge